

### **Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

### **Listing of Claims:**

Claim 1. (Currently Amended): A pharmaceutical composition comprising modafinil and at least one silicate in the form of particles, wherein greater than 5% to about 50% of the cumulative total of the modafinil particles in the composition have a particle size greater than about 200 microns as determined by a U.S. Sieve No. 75.

Claim 2. (Original): The composition according to Claim 1 wherein from about 8% to about 30% of the cumulative total of the modafinil particles in the composition have a particle size greater than about 200 microns as determined by a U.S. Sieve No. 75.

Claim 3. (Original): The composition according to Claim 2 wherein from about 8% to about 10% of the cumulative total of the modafinil particles in the composition have a particle size greater than about 200 microns as determined by a U.S. Sieve No. 75.

Claim 4. (Currently Amended): A pharmaceutical composition comprising modafinil and at least one silicate in the form of particles, wherein greater than 5% to about 50% of the cumulative total of the modafinil particles in the composition have a particle size greater than about 200 microns as determined by a U.S. Sieve No. 75, and less than about 8% of the cumulative total of the modafinil particles in the composition have a particle size greater than about 250 microns as determined by a U.S. Sieve No. 60.

Claim 5. (Original): The composition according to Claim 1 wherein less than about 55% of the cumulative total of the modafinil particles in the composition have a particle size greater than about 90 microns as determined by a U.S. Sieve No. 170.

Claim 6. (Canceled).

Claim 7. (Currently Amended): The composition according to ~~Claim 6~~ Claim 1 wherein the silicate is selected from the group consisting of calcium silicate, sodium silicate, magnesium silicate, magnesium trisilicate, and combinations thereof.

Claim 8. (Original): The composition according to Claim 7 wherein the silicate is calcium silicate.

Claim 9. (Original): The composition according to Claim 7 wherein the silicate is a combination of calcium silicate and magnesium trisilicate.

Claim 10. (Canceled).

Claim 11. (Currently Amended): The composition according to ~~Claim 6~~ Claim 1 which is essentially free of magnesium silicate.

Claim 12. (Original): The composition according to Claim 1 wherein modafinil is present in an amount of from about 1 weight percent to about 99 weight percent, based on the total weight of the composition.

Claim 13. (Original): The composition according to Claim 12 wherein modafinil is present in an amount of from about 30 weight percent to about 50 weight percent, based on the total weight of the composition.

Claim 14. (Currently Amended): The composition according to ~~Claim 6~~ Claim 1 wherein the amount of silicate is from about 0.1 weight percent to about 50 weight percent, based on the total weight of the composition.

Claim 15. (Original): The composition according to Claim 14 wherein the amount of silicate is from about 1 weight percent to about 10 weight percent, based on the total weight of the composition.

Claim 16. (Original): The composition according to Claim 15 wherein the amount of silicate is from about 5 weight percent to about 6 weight percent, based on the total weight of the composition.

Claim 17. (Original): The composition according to Claim 1 which additionally comprises one or more excipients.

Claim 18. (Original): The composition according to Claim 17 wherein the excipient is selected from the group consisting of diluents, disintegrants, lubricants, glidants, binders, fillers, emulsifiers, electrolytes, wetting agents, solubilizers, surfactants, colors, pigments, anti-caking agents and combinations thereof.

Claim 19. (Original): The composition according to Claim 18 wherein the diluent is selected from the group consisting of a starch, lactose and microcrystalline cellulose; the disintegrant selected from the group consisting of pre-gelatinized starch, a cross-linked sodium carboxymethyl cellulose, and combinations thereof; and the lubricant is magnesium stearate.

Claim 20. (Original): A process for preparing a pharmaceutical composition comprising modafinil and at least one silicate, said process comprising: (i) mixing modafinil and at least one silicate to form a mixture; and (ii) optionally mixing other excipients with the mixture formed in Step (i) to form a composition.

Claim 21. (Original): The process according to Claim 20 wherein the composition is in the form of a tablet.

Claim 22. (Original): The process according to Claim 20 wherein the composition is in the form of a capsule.

Claim 23. (Original): A method of treating a disease or disorder in a subject in need thereof comprising administering to the subject a therapeutically effective amount of the pharmaceutical composition according to Claim 1.